

1
2 THE HONORABLE MARC BARRECA

3 Chapter: 11

4 Hearing Date: June 15, 2015

5 Hearing Time: 2:00 PM

6 Hearing Location: US Courthouse
7 700 Stewart Street
8 Seattle WA 98101
9 Courtroom 7106

10 Response Date: June 13, 2015

11 UNITED STATES BANKRUPTCY COURT
12 WESTERN DISTRICT OF WASHINGTON

13 IN RE:) CHAPTER 11
14)
15 GARTH A. MACLEOD,) Case No.: 14-17526-MLB
16)
17 Debtor.) MOTION TO SELL REAL PROPERTY
18) FREE AND CLEAR OF LIENS AND
19) INTERESTS
20)
21)
22)
23)
24)
25)
26)
27)
28)

29 COMES NOW, Debtor-in-possession, Garth A. MacLeod, by and through his attorney
30 Jonathan S. Smith of Advantage Legal Group, and moves this Court for an order authorizing the
31 sale of Debtor-in-possession's real property located at 3810 Hunts Point Road Hunts Point, WA
32 98004 (the "Property"), free and clear of all liens and interests, pursuant to 11 U.S.C. §§ 363.

33 The property to be sold, the terms of the sale are detailed in the Purchase and Sale
34 Agreement (Exhibit A). The HUD-1 statement has yet to be prepared, but will be provided upon
35 receipt at a later date and are summarized as follows:

36
37 Debtor-in-possession's Motion for Sale of Real
38 Property of the Estate Free and Clear of Liens and
Encumbrances - 1

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Street address of property to be sold: 3810 Hunts Point Road Hunts Point, WA 98004

Sale price: \$7,855,000

Tax ID: 353490018101

Terms of sale: Cash at Closing

Purchaser: Water & Virtue, LLC

Purchaser's address: Registered Agent: Oseran, Hahn, Spring, Straight & Watts P.S. c/o William Hsu 10900 NE 4th Street #1430 Bellevue, WA 98004

Costs of sale: As detailed in the HUD-1 Statement (Provided at later date).

Encumbrances and approximate claim amounts: 1st – JP Morgan Chase Bank, National

Association first deed of trust for yet to be determined amount according to the HUD-1; and 2nd
– JP Morgan Chase Bank, National Association second deed of trust for yet to determined
amount according to the HUD-1.

The debtor-in-possession believes and therefore alleges that the purchaser is a good faith
purchaser for value.

The proof of claim for first mortgage holder JP Morgan Chase Bank, National
Association dated January 2, 2015 indicated an amount of secured claim of \$6,467,226.53. There
is no proof of claim for second mortgage holder JP Morgan Chase Bank, National Association,
though listed on Schedule D: Secured Creditors, debtor-in-possession lists second mortgage
holder JP Morgan Chase Bank, National Association with a secured claim amount of
\$508,987.00. Though the claim amounts may have increased, Debtor-in-possession believes that

Debtor-in-possession's Motion for Sale of Real
Property of the Estate Free and Clear of Liens and
Encumbrances - 2

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1
2 the sale amount will be sufficient to cover the true amounts debtor-in-possession owes creditors,
3 JP Morgan Chase Bank.
4

5 Said sale will be free and clear of all liens and interests, except for real and personal
6 property taxes, said liens and interests to attach to the proceeds of the sale as though those
7 proceeds were the property, and said liens and interests to be satisfied from those proceeds.
8

9 Should the buyer be unable to close, the debtor-in-possession reserves the right to sell the
10 property to a subsequent buyer, subject to the approval of the sale by JP Morgan Chase Bank,
11 National Association as provided that in no case is the Debtor-in-possession entitled to receive
12 funds from the sale of the property, except for the homestead of \$125,000.00 exemption that the
13 Debtor-in-possession may receive.
14

15 WHEREFORE, the Debtor-in-possession prays for an order approving the sale of the property,
16 located at 3810 Hunts Point Road Hunts Point, WA 98004, free and clear of liens and interests.
17

18 Dated this 3rd day of June, 2015.
19

20 /s/ Jonathan S. Smith
21 Jonathan S. Smith, WSBA No. 27372
22 Counsel for Debtor-in-Possession
23 Advantage Legal Group
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27 Debtor-in-possession's Motion for Sale of Real
28 Property of the Estate Free and Clear of Liens and
Encumbrances - 3

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